

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL THOMAS CAMACHO, JR.	:	
a/k/a DANNY CAMACHO	:	CIVIL ACTION
	:	
v.	:	NO. 10-5136
	:	
JEROME WALSH; THE DISTRICT ATTORNEY	:	
OF THE COUNTY OF PHILADELPHIA; and THE	:	
ATTORNEY GENERAL OF THE COMMONWEALTH	:	
OF PENNSYLVANIA	:	

**ORDER**

AND NOW, this 2nd day of December, 2013, upon consideration of petitioner's Motion to Reopen Habeas Corpus Proceedings and for an Order Granting Immediate Habeas Corpus Relief (paper no. 26), respondents' Response to petitioner's Motion (paper no. 30), the Report and Recommendation of United States Magistrate Judge Jacob P. Hart (paper no. 31), petitioner's Objections to the Report and Recommendation (paper no. 32), and respondents' Response to petitioner's Objections (paper no. 33), it is **ORDERED** that:

1. The petitioner's Objections to the Report and Recommendation (paper no. 32) are **OVERRULED**;
2. The Report and Recommendation that the Motion to Reopen Habeas Corpus Proceedings be Denied (paper no. 31) is **APPROVED** and **ADOPTED** for the reasons stated therein;
3. The petitioner's Motion to Reopen Habeas Corpus Proceedings and for an Order Granting Immediate Habeas Corpus Relief (paper no. 26) is **DENIED** for failure to exhaust state remedies. If petitioner is denied relief by the PCRA court as indicated by that court's Notice Pursuant to Pa. R. Crim. P. 907 issued on September 9, 2013, petitioner must appeal the denial to the Superior Court of Pennsylvania before he can proceed on a habeas claim in federal court;
4. If the Superior Court of Pennsylvania affirms the denial of petitioner's PCRA claim because the claim was not timely filed, petitioner's claim will be defaulted and federal habeas review of the claim will be barred unless petitioner can

demonstrate cause for the default and actual prejudice resulting from it, or demonstrate that failure to consider the claim will result in a fundamental miscarriage of justice. *Coleman v. Thompson*, 501 U.S. 722, 750 (1991);

5. Petitioner and respondents shall notify the court within thirty (30) days of the conclusion of the pending PCRA matter; and
6. There is no basis for the issuance of a certificate of appealability.

/s/ Norma L. Shapiro

J.